

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COUNTY OF NEWPORT

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall on the 14th day of April 2008 A.D. at 7:00 p.m.

Council met at 6:45 p.m. for interviews of volunteers for Boards and Commissions.

Harris E. Gruber – Harbor and Coastal Commission

Brenda Wrigley-Scott - Tiverton Arts Commission

Annelisa Steinkrauss – Economic Development Commission

Linda M. Jenkins – Stone Bridge Committee

Council President thanked all the interested volunteers.

President Durfee opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the Flag.

Roll Call:

Joanne M. Arruda

Donald Bollin

Paul E. Carroll

Hannibal F. Costa

Louise Durfee

Jay Edwards

Brian A. Medeiros

Town Administrator, James Goncalo

Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Councilor Bollin read the items as listed on the Consent Agenda.

Councilor Carroll requested the removal of Items A-6

Councilor Costa requested the removal of Items A-3d and A-7.

Councilor Arruda requested the removal of Items A-1a and A-1b.

A motion was made by Councilor Medeiros to approve the remaining items on the Consent Agenda. The motion was seconded by Councilor Edwards and then passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1-Approval of Minutes of Previous Meetings.

c. Approval of Executive Session Minutes March 28, 2008

d. Approval of Special Council Meeting April 7, 2008

e. Approval of Executive Session Minutes April 7, 2008

A-2-Receipt of Minutes from Various Board and Commissions:

a. Tree Commission b. Harbor & Coastal Waters Commission c. Wastewater Management Commission

d. Planning Board e. Tiverton Prevention Coalition

A-3-Correspondence – Receive and File

- a. Received from Town Clerk – Correspondence laced in Council Boxes on March 28, 2008
- b. Received From Town of South Kingston Regarding Resolution in Support of State Bond for Open Space Programs
- c. Received from East Greenwich Regarding Resolution Regarding Resolution Supporting H-7776 Collective Bargaining Agreements Identifying Specific Insurance Company.
- e. Received from Gareth Eames, Code Enforcement – Request Sent to State Fire Marshall Regarding Viking Stone.
- f. Received From Norman Champagne Regarding Sakonnet River Bridge Name.

A-4-Tax Assessor's Abatements

- a. Approval of Tax Assessor's Abatements
- b. Abatement Analysis – Tax Assessor D. Robert

A-5- John Lincourt, WW Collection Superintendent -Requests Authorization for Town Administrator to Prepare Application Documents and Seek \$300,000 in Financing for Septic System Repairs Through the CSSLP – Withdrawn From March 24th Council Agenda

Approval of Minutes Regular Town Council Meeting and Executive Session of March 24,2008:

Councilor Arruda removed the items because she was not in attendance for the regular and executive session meetings of March 24, 2008.

Councilor Bollin motioned to approve the above minutes seconded by Councilor Medeiros. Passed by vote of 6-0-1. Councilor Arruda abstained.

Correspondence Received From Town of Portsmouth Regarding H- 7108 – Uniform Approach to Health Insurance Related to Collective Bargaining

Councilor Costa requested removal of this item; bill leaves out specific health insurers in collective bargaining agreements. Councilor Edwards pointed out the Council has already supported H – 7776 from prior correspondence of East Greenwich, which would prohibit language in collective bargaining agreements identifying a specific health insurer. Councilor Costa withdrew the motion.

Councilor Bollin motioned to receive and file this correspondence seconded by Councilor Edwards passed unanimously.

Correspondence Received From Town Clerk – Stone Wall Ordinance – Reset Date for Public Hearing to May 12,2008

Councilor Carroll requested removal of this item. He has attended Planning Board meetings regarding Stone Wall Ordinance and the Planning Board previously submitted a letter not supporting the ordinance. Councilor Carroll does not believe a hearing should be advertised at this time and would like this item tabled. Councilor Medeiros expressed the same concerns and believed this needed more discussion. Councilor Costa was not in favor of tabling this motion. Town Solicitor Andy Teitz reviewed the ordinance and was planning to submit amendments for review.

Pat Sullivan, of the Conservation Commission asked to be heard on this matter and stated that The Conservation Commission would be sending the Council a letter asking that this item be withdrawn.

Councilor Carroll motioned for this item to be tabled at this time, seconded by Councilor Edwards. Motion passed 6-1 Councilor Costa opposed.

Correspondence Received From Chief LLOYD – Request Date for Public Hearing on Rescue Fee Increases-5/12/08

Councilor Costa requested removal of this item for discussion. Chief Lloyd stated the increase in fees would bring Tiverton in line with other towns based on a survey. Councilor Costa motioned to approved a public hearing seconded by Councilor Edwards.

Town Solicitor Teitz suggested the ad include a review of all fees. Councilor Edwards and Councilor Arruda disagreed with this idea as most fees were raised last year. Town Solicitor Teitz added that the resolution passed last year called for an annual review of fees. Councilor Medeiros agreed that it wouldn't hurt to take a broader look and advertise to review all fees. Councilor Costa amended his original motion to include advertising a public hearing to review all fees. The motion was seconded by Councilor Edwards and passed unanimously.

B – PUBLIC HEARING

C - BOARD OF LICENSING COMMISSIONERS

The Town Council was sitting as the Board of Licensing Commissioners:

Ms. Sherri Feld – Ranger School PTO – Request Entertainment Permit for Fund Raiser – Friday, April 26th, at Tiverton Four Corners Meeting House.

a. Waive notice requirement

Requirement for entertainment permit is a public hearing on noise variance. Councilor Arruda motioned to waive notice requirement for this one-day fundraiser featuring one unamplified instrument. Motion was seconded by Councilor Edwards and passed unanimously.

b. Subject to Meeting All Legal Requirements

Councilor Bollin questioned whether a local liquor license was needed. Ms. Feld stated in her request the caterer had a category 3 liquor license provided by the State of RI. Solicitor Teitz believed this class of license was sufficient if it were a category P license and that he would look into this tomorrow. Ms. Feld was going to verify the class of license with the caterer and inform Mr. Teitz. Councilor Arruda questioned liability insurance. Ms Feld was also going to verify this with the caterer. Subject to meeting all legal requirements Councilor Edwards motioned to grant this license having one unamplified instrument. Councilor Carroll seconded the motion, which passed unanimously.

Stella Bernhard d/b/a Antiques II at Four Corners – Antique and Holiday License – Subject to Meeting All Legal Requirements

A motion was made by Councilor Carroll to grant an Antique and Holiday License to Stella Bernhard d/b/a Antiques II at Four Corners subject to meeting all legal requirements. Councilor Costa seconded the motion which passed unanimously.

Fei Lei – New China Gourmet, 180 Main Road – Request Transfer of Victualling License From China Gourmet – Li Hua Zhang – Subject to Meeting All Legal Requirements

Councilor Bollin made a motion to approve the transfer of the Victualling License from China Gourmet – Li Hua Zhang to Fei Li – New China Gourmet, 180 Main Road subject to meeting all legal requirements. The motion was seconded by Councilor Costa then passed unanimously.

R.J. Carr Construction Co. Inc., 17 Indian Rd., Little Compton, RI – Street Excavator License -Subject to Meeting All Legal Requirements

A motion was made by Councilor Edwards to grant a Street Excavator License to R.J. Carr Construction

Co., Inc. subject to meeting all legal requirements. Councilor Bollin seconded the motion and then passed unanimously.

APPOINTMENTS & RESIGNATIONS

Resignation -Zoning Board of Review - Michael J. Fairhurst – 1st Alternate

A motion was made by Councilor Edwards to accept with regret the resignation of 1st alternate Michael J. Fairhurst from the Zoning Board of Review. Councilor Arruda seconded the motion and then passed unanimously.

Resignation -Planning Board – Frederick C. Stachura

A motion was made by Councilor Costa to accept the resignation of Frederic C. Stachura from the Planning Board. Councilor Carroll seconded the motion then passed unanimously.

Resignation of Tiverton Tax Collector – Geraldine Holewiak

A motion was made to accept with regret the resignation of the Tax Collector, Geraldine Holewiak who decided not to renew her contract which ends June 30,2008. Councilor Arruda seconded the motion then passed unanimously.

Appointment to Harbor & Coastal Commission – Harris E. Gruber

Harris E. Gruber-Seeking Appointment to Harbor and Coastal Commission to Expire 6/30/2010

A motion was made by Councilor Carroll to appoint to the Harbor & Coastal Waters Management Commission, Harris E. Gruber, to a two-year term expiring on June 30,2010. Councilor Edwards seconded the motion and then passed unanimously.

Appointment to Planning Board – J.P. Wehle

A motion was made by Councilor Costa to appoint J. P. Wehle to the Planning Board for an unexpired term to June 30,2008. Councilor Edwards seconded the motion and then passed unanimously.

Appointment to Tiverton Arts Commission – Brenda Wrigley-Scott

A motion was made by Councilor Edwards to appoint to the Tiverton Arts Committee Brenda Wrigley-Scott for a two-year term expiring on June 30,2010. Councilor Medeiros seconded the motion and then passed unanimously.

Appointment to Tiverton Economic Development Commission – Annelisa Steinkrauss

A motion was made by Councilor Edwards to appoint to the Tiverton Economic Development Commission Annelisa Steinkrauss to a four-year term expiring on June 30,2012. The motion was seconded by Councilor Arruda and then passed unanimously.

Appointment to the Stone Bridge Committee – Linda M. Jenkins

A motion was made by Councilor Medeiros to appoint to the Stone Bridge Committee Linda M. Jenkins to a three-year term expiring on June 30,2011. The motion was seconded by Councilor Costa and then passed unanimously.

UNFINISHED BUSINESS

Ratification of Contract for Gareth Eames, Code Enforcement Officer:

A motion was made by Councilor Arruda to ratify the employment contract of the Code Enforcement Officer, Gareth Eames, expiring March 20,2011 seconded by Councilor Edwards. Councilor Medeiros pointed out that changes to contracts are being made as they are coming up for renewal. To allow for more flexibility, pay increases will be based on merit and the automatic scale eliminated.. Councilor Medeiros also noted changes are continuously evolving in contract matters. The motion to ratify for a term expiring March 20,2011 passed 6-1 with Councilor Bollin opposed.

FINANCIAL BUSINESS:

Town Administrator- DPW Request Release of Carried Forward Funds From Account # 554-794

A motion was made by Councilor Bollin to release carried forward funds from account # 554-794 (Drainage/Paving) for \$28,900.01 to current F/Y. Motion was seconded by Councilor Costa and passed unanimously.

Town Administrator- DPW Request Release of Carried Forward Funds From Account # 554-611

A motion was made by Councilor Carroll to release carried forward funds from account # 554-611 (Gas & Diesel) for \$3,318.46 to current F/Y. Motion was seconded by Councilor Costa and passed unanimously.

Town Administrator- DPW Request Release of Carried Forward Funds From Account # 554-698

A motion was made by Councilor Medeiros to release carried forward funds from account # 554-698 (Sand, Salt, Gravel & Pipe) for \$9,296.03 to current F/Y. Motion was seconded by Councilor Costa and passed unanimously.

Town Administrator- TFD Request Release of Carried Forward Funds From Account # 333-101 and Transfer to Current F/Y Account # 331-102 (Fire Dept. Overtime)

d. A motion was made by Councilor Edwards to release carried forward funds from account # 333-101 (Police Personnel Services) for \$25,000 and transfer to current F/Y Account # 331-102 (Fire Dept. Overtime). Councilor Carroll seconded the motion

Discussion ensued regarding controlling fire dept. overtime. Councilor Bollin questioned whether any funds were available within the fire dept. The Town Administrator replied at the current time he was not forecasting any balances remaining in fire department accounts at the end of this fiscal year. President Durfee reminded the Council of how critical the next fiscal year's budget will be and the inability to allow transfers. Motion passed by a vote 5-1-1 with Councilor Bollin opposed, Councilor Costa abstained

e. A motion was made by Councilor Medeiros for a transfer of funds \$15,000 from account # 216-966 (Health Insurance) to Account # 331-102 (Fire Dept. Overtime) seconded by Councilor Carroll.

Discussion ensued as to the amount of funds needed in the future. Administrator Goncalo projected an amount of \$53,000 for the current F/Y. Motion passed on a vote of 5-2 with Councilors Bollin and Costa opposed.

Town Administrator- Transfer of Funds From Account # 219-266(Health Insurance) to Account # 105-359 (Litigation)

A motion was made by Councilor Carroll, seconded by Councilor Medeiros to transfer \$50,000 from account # 219-266 (Health Insurance) to Account # 105-359 (Litigation) to cover invoices for transcript fees relating to the Southern Union Litigation.

A discussion followed as Councilor Edwards asked if more transfers are needed. Administrator Goncalo responded another transfer would be needed. Solicitor Teitz explained there are more depositions to come with

litigation and transcript fees currently approaching \$22,000. Councilor Durfee explained she had been deposed this day and Councilor Bollin will have a deposition on Wednesday. Solicitor hoped to prevail and recover some or all costs.

Motion passed unanimously.

NEW BUSINESS:

Mark Bessette-Tiverton Youth Soccer-Request Permission to Use Town Farm From 7/28/08 to 8/1/08 for British Soccer Camp – Subject to Meeting Legal Requirements:

Lisa Brousseau appearing for Mr. Bessette noted to the Council this soccer camp has used the Town Farm in the past. Recreation requested they appear before Council.

A motion was made by Councilor Carroll to allow use of the Town Farm for British Soccer Camp from 7/28/08 to 8/1/08 subject to meeting all legal requirements. The motion was seconded by Councilor Arruda then passed unanimously.

Councilor Medeiros-Request Date for Wind Power Workshop:

Councilor Medeiros requesting a workshop on the use of wind power. Suggested the possibility of having outside business bring in and run the turbines since the Town is not required to pay anything up front. The workshop can be used get information on how to obtain grants and learn about wind power being used in neighboring towns. A public hearing date of June 2, 2008 was set.

BIDS & REQUESTS FOR PROPOSALS

Peter Moniz – Tree Commission – Permission to Advertise for Tree Bids

A motion was made to by Councilor Bollin for the Tree Commission to advertise for tree bids as presented in the request for advertising. Councilor Costa seconded the motion, which passed unanimously.

Town Administrator - DPW – Permission to Advertise for Bids

A motion was made to by Councilor Bollin for the Department of public works to advertise for bids for the following:

- a. Bituminous Concrete Paving
- b. Catch Basin Blocks
- c. Roadside Grass and Brush Mowing

Councilor Arruda seconded the motion, which passed unanimously.

Pat Sullivan of the Conservation Commission asked the Council if the bid for grass and brush mowing could include picking up litter first as there is no process for picking up litter before the grass is mowed.

PUBLIC ANNOUNCEMENTS:

Budget Committee Chairman Christopher Cotta addressed the Council with regards to the purchase of a Ladder Truck for the Fire Dept. Early on in the budget process Chairman Cotta made comments about the need for a ladder truck as more condos are being constructed along with much larger houses. Since the Council and the Budget Committee have worked together in this budget process, Chairman insisted the budget committee concerns be addressed with Council. The cost would roughly be \$90,000 over a 15 year payment plan.

Councilor Bollin commented with regards to next years tight budget, housing the truck, additional manpower and unforeseen costs. Chairman Cotta wanted to be clear that the Fire Chief did not orchestrate this request. Councilor Bollin commented the Fire Chief with the exception of his overtime, has done an excellent job

in managing his department. Councilor Bollin believes this is bad fiscal timing and more should be done with regards to fire suppression.

President Durfee pointed out the Council has struggled with budget considerations. Social service budgets have been cut by the budget committee in half and the need is exacerbated to justify a ladder truck. The Town is faced with a \$20 million bond rating and cannot take money from the General Fund

Councilor Medeiros stated a lot of things should be done, however this doesn't seem feasible at this time. Does not feel this makes sense to go forward. President Durfee urged the Budget Committee not to go forward at the FTM. Councilor Edwards agreed with President Durfee as the budget has been cut and the Town cannot afford this at this time.

Councilor Arruda, who has attended the Budget Committee meetings and their arduous task sees the need and has been in support of attaining a ladder truck. Concern of available mutual aid when a ladder truck is needed. However, with budget cuts cannot wholeheartedly commit to the necessary purchase.

Chairman Cotta stated cuts already made to the budget occurred before requesting this item. Councilor Costa raised two issues- funding will increase the real estate tax rate and it is rare that the Budget Committee adds an item to the budget.

Councilors Carroll, Edwards and Arruda went to Fire training and saw what life saving equipment can do and in a different financial position would urge the acquisition, however they can't support it this year. Chairman Cotta pointed out that next year two items of debt service will come off the budget. Chairman Cotta appreciated the time the Council afforded him and would explain their position to the Budget Committee.

TOWN ADMINISTRATOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS

1. Help with stimulus rebate filing will be held at the Senior Center on Wednesday from 1:00p.m to 3:00 p.m. until October 31,2008.
2. Congratulations were extended to the following Officers who participated and won the road race for charity for Fall River Police Officer Thomas Guinta who was killed in the line of duty:
Sean Lafferty, Brendan McKinnon, Sean Frodyma, Liam Black, Ken Cabral and James Costa.
3. Town wide road paving starts in two weeks.
4. The \$20 million dollar bond application was approved.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

None

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Andrew M. Teitz, Town Solicitor, researched a previous item for the Fund Raiser for Ranger School. If the caterer's license is a class P, found in the General Laws 3-7-14-2, then the PTO should be eligible to sell liquor at the fund raiser under the caterer's license and no town license is needed. Sherri Feld was going to get back to Atty. Teitz with the correct class of the license.

Andrew M. Teitz, Town Solicitor updated litigation in regard to Bay Street Contamination Issue. Depositions are being taken every day. The case is going forward. Jury selection is scheduled for April 23,2008. Residence issue on liability would be first trial. Second and third trial will be scheduled in fall. The Town Attorney will observe the first trial.

CLOSED EXECUTIVE SESSION

Town Solicitor-Litigation-42-46-5 (a)(2)

Town Council - 42-46-5(a)(5)- Acquisition or Disposition of Town Held Property

Town Solicitor-42-46-5 (a)(6)-Prospective Business

A motion was made by Councilor Bollin, seconded by Councilor Medeiros to enter into Executive Session pursuant to 42 –46-5(a)(2) Litigation. Motion passed unanimously.

Councilor Bollin made a motion to remain in Executive Session pursuant to 42-46-5(a)(5) – Acquisition or Disposition of Town Held Property. The motion was seconded by Councilor Medeiros and then passed unanimously.

Councilor Bollin motioned to further remain in Executive Session pursuant to 42-46-5(a)(6) – Prospective Business. Councilor Medeiros seconded the motion, which passed unanimously.

The Council entered into Executive Session at approximately 8:25 p.m.

The Council returned to Open Session at approximately 9:40p.m.

OPEN SESSION:

Council President Durfee announced formal action was taken in Executive Session.

Councilor Edwards motioned to seal the minutes of the Executive Session, seconded by Councilor Bollin. Motion passed unanimously.

ADJOURNMENT:

Councilor Carroll made a motion, seconded by Councilor Medeiros to adjourn. The motion passed unanimously.

The meeting adjourned at approximately 9:45 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

The Town Council of the Town of Tiverton, County and State aforesaid held a Regular Town Council Meeting at the Town Hall on Thursday, the 30th day of June 2005 A.D. at 7:00 p.m.

ROLL CALL

Joanne M. Arruda	Cecil E. Leonard
Donald Bollin	Brian A. Medeiros
Paul E. Carroll	Arthur R. Wyman Jr.
Louise Durfee (Absent)	

Vice President, Donald Bollin opened the meeting with the Pledge of Allegiance to the Flag.

Town Solicitor, Andrew M. Teitz was also present and Town Administrator was not in attendance.

Approval of Consent

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the Agenda.

Councilor Bollin read all the items listed as Consent Agenda.

Councilor Carroll requested those Items A-1 and A-3 is removed under Approval of Minutes as well as Item E-3 under New Business.

Councilor Leonard requested to have removed Items A-5 and A-6 under Approval of Minutes also requested the removal of Items D-4a under Financial Business, the removal of Item I-1 under Abatements and Items under Correspondence J-1 and J-2.

Councilor Arruda requested Item J-6 under Correspondence be removed from the Consent Agenda.

Mr. Carroll made a motion, seconded by Mrs. Arruda to approve the remaining items listed on the Consent Agenda. The motion made was unanimous.

The remaining items on the Consent Agenda were as follows:

Approval of Minutes Of Previous Meetings:

A-1--Special Town Council Meeting of May 16, 2005

A-4- Regular Town Council Meeting of June 13, 2005

A-7-Council Workshop Minutes of June 20, 2005

Financial Business:

D-1-Tax Collector-Request Approval of Inter-Departmental Transfers

\$450.00 from #215-535 (Telephone) to #215-623 (Supplies)

D-2-Chief Lloyd-TFD-Requests Approval of Inter-Departmental Transfer

\$300.00 from #331-640 (Station Maint.) to #331-740 (Apparatus Maint.)

D-3-Chief Blakey-Request Inter-Departmental Transfers

\$209.32 from #333-167 (Equipment) to #333-528 (Education)

\$509.32 from #333-168 (Uniform) to #333-528 (Education)

\$400.76 from #333-530 (Radio) to #333-528 (Education)

\$1,670.70 from #333-648 (Vehicle) to #333-528 (Education)

\$200.00 from #333-648 (Vehicle) to #333-640 (Building Maintenance)

Correspondence

Distributed Prior to Council Meeting